

PETITION  
CHAMBERS  
COPY

JAN 25 '07

RICHARD W. WIEKING  
U.S. DISTRICT COURT  
NO. 06-00682-RMW

BAILED

FILED

FEB - 8 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

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8 Attorneys for Plaintiff

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA, } No. CR 06-00682- RMW

14 Plaintiff, }

15 v. }

16 JAIME ESQUIVEL, }

17 Defendant. }

STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME

SAN JOSE VENUE

19  
20 On January 8, 2007 the parties in this case appeared before the Court for a status conference.

21 The parties jointly requested that the case be continued from January 8, 2007, at 9:00 a.m. to  
22 February 12, 2007, in order for counsel for defendant to review the discovery in the case. In  
23 addition, the parties requested an exclusion of time under the Speedy Trial Act from January 8,  
24 2007 to February 12, 2007. Defendant, who was present with his attorney Assistant Federal  
25 Public Defender Cynthia Lie, agreed to the exclusion, as did AUSA Thomas O'Connell. The  
26 parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need  
27 for effective preparation of counsel.

28 SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

1 DATED: 01/24/07

2 /s/  
3 THOMAS M. O'CONNELL  
4 Assistant United States Attorney

5 DATED: 01/24/07

6 /s/  
7 CYNTHIA C. LIE  
8 Assistant Federal Public Defender  
9 Counsel for Mr. Esquivel

10 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
11 under the Speedy Trial Act from January 8, 2007 until February 12, 2007.. The Court finds,  
12 based on the aforementioned reasons, that the ends of justice served by granting the requested  
13 continuance outweigh the best interest of the public and the defendant in a speedy trial. The  
14 failure to grant the requested continuance would deny defense counsel reasonable time necessary  
15 for effective preparation, taking into account the exercise of due diligence, and would result in a  
16 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made  
17 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

18 SO ORDERED.

19 DATED: 2/8/07

RONALD M. WHYTE  
United States District Judge